

drawn to the method of using a boot with lace guides and lace locks. Applicants have elected to restrict examination to claims 1-52 and 127 in Group I with an accompanying traverse.

Applicants respectfully request reconsideration of the restriction requirement.

A. Examination of Groups I, II, III, and IV

The restriction is based, at least in part, on distinct inventions between the product and process of using the product. The Examiner has indicated that the process of use of the group can be used in lacing up gloves or any other laced garment; therefore, the process for using the product as claimed can be practiced with another materially different product. Applicants note, however, that the product claims are directed to a *boot* lace system, while the process claims are directed to a method of using a *boot* lace system. In addition, the process claims include limitations to a boot that is similar to the boot defined by some of the product claims. Applicants believe that a search of the product claims would encompass a search of the process claims and, therefore, would not place a serious burden on the Examiner.

B. Examination of Groups I, II, and III

The restriction is also based on distinct groups of claims being unrelated. While the Applicant agrees that the inventions are distinct, they are not so unrelated as to place a serious burden on the Examiner. In particular, the Examiner has indicated that Group II has a different operation than that of Group I because a strap on Group II is used to release at least one lace. In addition, Group II has a different operation than that of Group III because the strap on Group II is used to release at least one lace. Further, Group III has a different operation than that of Group I because the lace of Group III has a lock and the laces are not necessarily simultaneously securable. Finally, the Examiner has indicated that none of the groups are capable of being used together because the one boot body from one group can not be placed upon another boot body from another group with the multiple laces and locks.

Without acceding to the propriety of the Examiner's characterization of the interrelationship of the independent claims and the Examiner's view of the 'capable of being used together' test as defined by M.P.E.P § 806.04, Applicants submit that it would not place a serious burden on the

Examiner to search and examine all groups (claims 1-127) because all of the claims relate to lace systems for boots.

The Examiner has classified Group I in class 36, subclass 50.1, Group II in class 36, subclass 52, and Group III in class 36, subclass 50.5. Not only has the Examiner grouped the claims within the same class (e.g. 36), two of the subclasses (e.g., 52 and 50.5) are subsets of the third subclass (e.g., 50.1). Thus, to search Group I, classified in class 36, subclass 50.1, the Examiner will search not only subclass 50.1, but also the subsets of subclass 50.1 (namely, 52 and 50.5 in which Groups II and III are classified) and to search each of Groups II and III, the Examiner will search not only class 36, subclasses 52 and 50.5, respectively, but also the parent subclass 50.1 (in which Group I is classified).

In addition, for each subclass, the Class Schedule and Definition section on the USPTO website recommends a list of 'related' classes and subclasses that should be searched for similar subject matter. The 'related' class for the subclasses of at least Groups I and III is the same. In particular, class 24 is listed as a 'related' class to both subclasses 50.1 and 50.5; therefore, class 24 would be searched for both Groups I and III.

Because Groups II and III are classified in subsets of the subclass of Group I, and because the related class is the same for Groups I and III, searching Groups I-III would not place a serious burden on the Examiner.

C. Linking Claim 127

The Examiner has acknowledged that claims 127 is a linking claim and would be examined with any of Groups I, II, or III. Per M.P.E.P. §809, upon allowance of a linking claim, Applicants hereby request consideration of claims to one or more of the non-elected Groups which depend from or include all of the limitations of the allowable linking claim.

CONCLUSION

In view of the foregoing, Applicants request that the restriction requirement be withdrawn and that claims 53-126 also be examined in this application, or that at least claims 53-116 also be

examined in this application. Having made the election, Applicants expressly reserve the right to file one or more divisional applications on the subject matter of the non-elected claims.

In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this response, that the application is not in condition for allowance, the Examiner is requested to call the below Attorney or Agent at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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